



State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

SENATOR TONI BOUCHER
TWENTY-SIXTH SENATE DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 3701
HARTFORD, CT 06106-1591
CAPITOL: (860) 240-0465
TOLL FREE: (800) 842-1421
FAX: (860) 240-0036
E-mail: Toni.Boucher@cga.ct.gov

ASSISTANT MINORITY LEADER

RANKING MEMBER
TRANSPORTATION COMMITTEE
SELECT COMMITTEE ON CHILDREN

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EDUCATION COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE

March 9, 2009

Chairman Andrew McDonald, Chairman Michael Lawlor, Ranking Member John Kissel, Ranking Member Arthur O'Neill and other distinguished Members of the Joint Committee on Judiciary

Thank you for the opportunity to provide testimony in support of *SB No. 650 AN ACT CONCERNING THE CREATION OF TRUSTS FOR THE CARE OF DOMESTIC ANIMALS*

Many Connecticut residents invest a great deal in the care of their pets and consider them like their human loved ones. There is research that shows pets can extend a persons life, help victims recover from tragedy or abuse, provide companionship for those that have lost a loved one and generally improve the quality of one's life. There are now more childless couples and an older population who are increasingly attached to their pets. As one of my constituents noted, "pets are essential to my life – just as friends, family, and spouses are. They embody every aspect of each of these."

The question of who cares for a pet after they are gone is troubling to many pet owners. Pet owners are seeking a process to ensure their pets are not neglected abandoned or euthanized if they die before their domestic animals do. Some pets, like parrots, can live for 40 to 80 years. If a pet owner becomes ill, incapacitated or dies, decisions should be made ahead to provide a pet with food and water, shelter, veterinary care, and companionship. To ensure that a beloved pet will continue to receive care, it's critical to plan ahead. Pet ownership is a responsibility, and this proposal allows pet owners to make plans for carrying out that responsibility in the event that their pets survive them

Although the residents who contacted me feel strongly that they would like assistance in their effort to secure their pet's health/well-being after they are gone, many other pets are too often forgotten when the owner dies. These loyal companions may become abandoned, neglected and even put to sleep. By approving this proposal we will be highlighting this issue and call the public's attention to the need for providing, at the minimum, the basics for the care and feeding of an orphaned family pet.

I ask the Joint Committee on Judiciary to unanimously approve the measure before you. We should follow the example of states like Rhode Island and make sure we have a law on the books that spells out what pet owners can do to protect, and provide for, their pets when they are no longer able to do so

In addition, I have provided the Joint Committee on Judiciary substitute language for SB 650, and I ask you to incorporate this language into SB 650 when considering this proposal.

Thank you for your thoughtful and careful consideration, and I am prepared to answer any question you may have.

Trust for care of animals. - (a) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal, or if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime upon the death of the last surviving animal.

(b) Except as provided in this section, the provisions of the general laws which govern the creation and administration of express trusts applies to the trust for the care of an animal.

(c) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove the appointed person. The appointed person shall have the rights of a trust beneficiary for the purpose of enforcing the trust, including receiving accountings, notices, and other information from the trustee and providing consents.

(d) Trust property, subject to usual expenses including trust funds and commissions, may be applied only to its intended uses, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Property not required for the intended use, including the trust property remaining upon its termination, shall be distributed in the following order of priority:

- (1) As directed by the terms of the trust;
- (2) To the settler, if then living;
- (3) Pursuant to the residuary clause of the settlor's will;
- (4) To the settlor's heirs in accordance with the Connecticut general laws on descent and distribution.

(e) If a trustee is not designated or designated trustee is not willing or able to serve, the probate court shall name a trustee; a court may order the transfer of the property to another trustee, if the court makes a factual finding that it is necessary to assure the intended use is carried out and if a successor trustee is not designated in the trust instrument or if a designated trustee does not agree to serve or is unable to serve.